REMARKS

Claims 1-7 remain in this application, while claims 8-17 are now canceled. Reconsideration of the application is requested.

The claim amendments above are made following consideration of the comments provided by the Examiner in sections 2-7 on pages 2-3 of the Office Action. The language in paragraph "b" of claim 4 does not specify that emitter position is estimated from an assumption of straight-line paths as the Examiner contends; claim 4, instead, includes language reflecting the algorithm use described, for example, in lines 8-10 on page 6 of the specification. It is respectfully submitted that the language used in the remaining claims of this application is clear to one of ordinary skill in the art, and that all of the claims presently in this application comply with the requirements of 35 U.S.C. § 112, second paragraph.

Reconsideration of the rejection under 35 U.S.C. § 112, first paragraph, set forth in section 9 on pages 3-4 of the Office Action is requested, as claims 10 and 13-15 are now canceled, and claim 4 as it appears above does not specify formation of any correction to time differences.

Independent claim 1 is rejected under 35 U.S.C. § 102(b), along with various other claims, as anticipated by the Naval Research Laboratory publication to Choi et al. While the Choi et al. publication relied on does discuss the physics of radio signal propagation through the atmosphere, it is respectfully submitted that the Choi publication relied on does not disclose an apparatus for locating an electromagnetic wave emitter including a plurality of receivers, the

determining and estimating means, and the correcting means particularly defined by claim 1 above.

Moreover, claim 1 as amended above incorporates certain limitations previously appearing in claim 3, as well as various other limitations, and now defines each of the receivers specified as mounted on a respective airborne platform. As the Examiner acknowledges in section 15 on pages 4-5 of the Office Action, the Choi et al. publication does not address the use of airborne platforms, and the anticipation rejection of claim 1 is not presently applicable in any event.

Claim 3 as it previously appeared in this application was rejected under 35 U.S.C. § 103(a), along with various other claims, as unpatentable over the Choi et al. publication in view of U.S. Patent 6,407,703 to Minter et al. As far as this rejection may be considered applicable to claim 1 as it appears above, reconsideration is requested. Again, the Choi et al. publication relied on does not disclose an apparatus for locating an electromagnetic wave emitter including a plurality of receivers, the determining and estimating means, and the correcting means particularly defined by claim 1 above. The Minter et al. patent discloses a geolocation system including an emitter and collection platforms, and utilizing Kalman filter analysis. However, there is nothing to suggest that the Minter et al. system includes either the particular arrival time difference determining and emitter position estimating means or the particular correcting means for correcting detected times of arrival for path length discrepancies caused by the atmosphere as claim 1 above requires. The limitations noted are not met by features discussed in either the Choi et al. publication or the Minter et al. patent, and any assertion that the disclosures provided by these documents

suggests such features is respectfully submitted to be untenable. The additional secondary references relied on and discussed by the Examiner in sections 18-20 on pages 5-6 fail to suggest further modifying the Choi et al. atmospheric correction for use with an apparatus as now required by claim 1, and it is respectfully submitted that claim 1 as it appears above is patentable. All other claims now remaining in this application are dependent claims and should be patentable as well.

This application should now be in allowable condition. If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #102343.57313US).

Respectfully submitted,

January 29, 2009

Richard R. Diefendorf
Registration No. 32,390

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
RRD:rd